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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER
BASHORE, WILLIAM L

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/883,501
Filing Date: June 19, 2001
Appellant(s): BEDELL ET AL.

Brian M. Buroker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/12/2006 appealing from the Office action mailed

06/02/2005.

(1)   Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be

directly affected by or having a bearing on the decision in the pending appeal is contained in the

brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief

is correct.

(5)   Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6)   Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection is correct.

(7)   Claims Appendix

The copy of the appeal claims contained in the Appendix to the brief is correct.

(8)   Evidence Relied Upon

The following is the evidence relied upon in the rejection of claims under appeal:

McCANN ET AL.   U.S. 5,963,939   October 5, 1999

POGGI ET AL.   U.S. 6,569,205   May 27, 2003

(9)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(b)This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 8-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et al. (U.S. 5,963,939 – issued 10/1999).

As to independent claim 9:

McCann teaches a method for resolving reports that include prompt objects *(e.g., the question block objects; col.23, lines 34-62)*, wherein the prompt objects comprise a question to be asked of a user *(e.g., objects to prompt a user for responses that provide information to the question block;*

col.23, lines 30-62) and at least one validation property *(e.g., searchable fields or properties;*

col.23, line 63-col.4, line 6 and also see Fig.9), the method comprising the steps of:

- receiving a report instance at a server system from a client *(Fig.45)* that has initiated

  report execution of the report that includes one or more prompt objects *(items 556 and*

  558 in Fig. 45);

- gathering at the server system the one or more prompt objects referenced in the report

  (item 562 in Fig.45);

- generating a resolution object *(e.g., generating a Solutions Object 400a; col.7, lines 51-*

  63 and Fig. 22F) containing the one or more questions from the one or more prompt

  object gathered *(e.g., the Question Block Base Class 100; col.23, lines 30-43 and Figs.*

  58A-58V); and

- interacting with a user to receive answers to one or more questions *(e.g., question block*

  'user interface' objects ...obtaining the needed information from the user ... the user

  enters data in response to questions; col.23, lines 35-62 and Figs. 58A-58V) in the

  resolution object.

While McCann does teach a report having prompt objects and receiving answers from a user to

the one or more questions in the resolution object *(see Fig. 57)*, McCann does not explicitly teach

"executing".

It would have been obvious to one of ordinary skill in the art at the time of the invention was

made to have applied McCann's teaching to include executing the report because it would have

provided the capability for allowing the user to submit over the Internet all or some of products

that they desire to purchase to the manufacturer, supplier, or distributor.

The fact that McCann's teachings "submit purchase order" (Fig. 57) and purpose of submitting

purchase order in McCann suggests "executing".

As to dependent claim 10:

McCann teaches gathering prompt objects comprise using an object server to retrieve the prompt

objects from a metadata repository *(col.69, lines 21-41).*

As to dependent claim 11:

McCann teaches merging multiple instances of the same prompt object in a report to provide a

single question for those prompt objects in the resolution object *(col.24, lines 32-51 and col.66,*

lines 31-41).

As to dependent claim 12:

McCann teaches receiving an answer to the single question for multiple instances of the same

prompt and apply the answer to each instance of the prompt object in the report *(Fig.45).*

As to dependent claim 14:

McCann teaches report instance comprises one or more origin application objects that include

the prompt objects *(e.g., objects to prompt a user for responses that provide information to the*

question block; col.23, lines 30-62); and wherein the resolution server uses the resolution object

to generate filled in application objects with the answers from the resolution object in place of

prompts objects in the origin application object *(col.7, line 51-col.8, line 2 and col.15, line 46-*

66).

As to dependent claim 15:

McCann teaches prompting the user to answer the questions from the prompt object server over a

web interface *(col.25, lines 22-41 and Figs. 58A-58V, a set of question procedures)*.

<u>As to independent claim 1</u>:

It is directed to a system for performing the method of claim 9, and is similarly rejected under

the same rationale.

As to dependent claim 2:

It includes the same limitations as in claim 10, and is similarly rejected under the same rationale.

As to dependent claim 3:

McCann teaches the report prompt interaction means is part of a client system connected over a

network to a server system *(col.27, lines 41 and col.52, lines 37-42)*, and the server system

comprises the receiving means, the report server, the object server, and the report execution

means *(Fig. 57)*.

As to dependent claim 4:

McCann teaches the report prompt interaction means comprises a web server that interaction

with a user (col.23, lines 30-62 and *col.25, line 62-col.26, line 7)*.

As to dependent claims 5-8:

They include the same limitations as in claim 11-14, and are similarly rejected under the same

rationale.

As to independent claim 16:

It is directed to a medium for implementing the method of claim 9, and is similarly rejected under

the same rationale.

As to dependent claim 17:

It includes the same limitations as in claim 10, and is similarly rejected under the same rationale.

As to dependent claim 18:

McCann teaches merging multiple instances of the same prompt object in a report to provide a

single question for those prompt objects in the resolution object *(col.24, lines 32-51 and col.66,*

lines 31-41); and receiving an answer to the single question for multiple instances of the same

prompt and apply the answer to each instance of the prompt object in the report *(Fig.45).*

As to dependent claim 19:

McCann teaches a process to generate filled in application objects with the answers from the

resolution object in place of prompts objects in the origin application object *(col.7, line 51-col.8,*

line 2 and col.15, line 46-66).

As to dependent claim 20:

McCann teaches a web server to interact with the user to obtain answers to one or more prompt

questions *(e.g., obtain a client identifier from the user ... includes questions and other processes*

... at the user's browser; col.25, line 62-col.26, line 7).

Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et

al. in view of Poggi (U.S. 6,569,205 – filed 07/1997).

As to dependent claims 7 and 13:

a.   McCann does not explicitly teach "the report server checks for cached reports prior to

report execution."

b.   Poggi teaches the report server checks for cached reports prior to report execution *(col. 4,*

lines 37-49 and Fig.6).

c.   It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Poggi and McCann because it would

have provided the capability for presentation and navigation in a computer system that

includes multiple reports about multiple components.

(10)   Response to Arguments

Pages 7-8 of Appellant's Appeal Brief (hereinafter the Brief) comprises a general

recitation of alleged deficiencies of the examiner's rejections, along with citing of relevant case

law.

Beginning on page 9 of the brief, Appellant argues the following specific issues, which are accordingly addressed below.

a.   **Appellant argues that McCann does not disclose** *"receiving a report instance from a client that has initiated report execution of the report that includes one or more objects" as cited in independent claims 1, 19, and 16.". " In fact, the word "report" does not appear anywhere in the McCann specification"* **(page 9 of the Brief).**

The examiner respectfully disagrees. It is well established that a "report" can be fairly interpreted as a presentation of information resulting from an analysis. McCann teaches a series of figures (McCann figures 44-51, 57) directed to computer configuration. These figures, especially figure 57, display result information to a user, therefore it is clear that the sequenced display and interaction of said figures can be fairly interpreted as a "report" displaying information pursuant to analysis of answered questions. Appellant defines a "report instance" as "an actual execution of a defined report", however, Appellant does not appear to define and/or claim what the "execution" of a report entails. In additional support of the instant rejections, McCann teaches a final "report instance" in the form of the defined report of Figure 57. A user of McCann "initiates" report execution by beginning the report process via a series of questions, along with prompt objects (i.e. McCann's logon prompt object – figure 45). This is used to teach the following claim 9 limitation:

"receiving a report instance at a server system from a client that has initiated report execution of the report that includes one or more prompt objects"

In short, McCann's server receives a report instance via submission of a final purchase order: *"receiving a report instance at a server system from a client..."*. The user "initiates" report execution of the report by at least creation of the report via questions and prompt objects (i.e. sign on, and other objects, etc. see McCann figures 45-51): *"...that has initiated report execution of the report that includes one or more prompt objects"*). It is respectfully noted that Appellant defines a "report instance" in the context of a "defined" report, however, representative claim 9 does not preclude the initiation of the execution as comprising the report process interaction, along with its prompt objects.

b.   **Appellant argues that *McCann does not disclose "gathering the one or more prompt objects referenced in the report"* (page 10 of the Brief, 1ˢᵗ full paragraph).**

The examiner respectfully disagrees. The examiner interprets McCann's figure 57 as a defined report, with the sign on box of figure 45 a "prompt object". A user begins a report by alerting the server whether said user is a "Novice" or "An Expert" (McCann figure 44). The server then gathers a prompt object based upon the previous decision (referenced in the report process). Since a user must transmit information (ID, password), the sign on prompt object is referenced by the report and user input. It is respectfully noted that McCann's sign on (logon) object can be fairly interpreted as a form of question (i.e. VAR ID? , password?), and is clearly a form of validation. It is also noted that claim 9 does not claim that the "prompt object" itself involves display and/or user interaction, instead, the user interacts with the claimed "resolution object" as discussed below.

c.   **Appellant argues that McCann does not disclose *"generating a resolution object***

***containing the one or more questions from the one or more prompt objects gathered"* (page 10**

of the Brief, 2nd full paragraph).

The examiner respectfully disagrees. In additional support of the instant rejections,

representative claim 9 does not preclude the interpretation of McCann's prompt object as a

"resolution object". Since a sign-on box object attempts to achieve a resolution, and since

(according to claim 9) a user interacts with the generated resolution object, McCann's generated

sign-on box can be fairly interpreted as a resolution object containing logon questions as

discussed above. The generated resolution object containing questions is presented to a user for

interaction (i.e. resulting in an answer).

d.   **Appellant argues that *"as acknowledge in the Office Action, McCann does not***

disclose "executing the report upon receiving answers from a user to the one or more questions

in the resolution object" "... The Office Action contends that this step is obvious, but fail to

provide proper motivation to change or modify McCann. Applicants contend that this is step is

***not obvious"* (page 11 of the Brief, 1st full paragraph).**

The examiner respectfully disagrees. McCann's "Submit Purchase Order" button object

at bottom of McCann figure 57 clearly suggests "executing" a report. As previously discussed,

Appellant does not appear to define what "execution" entails within the context of the claimed

invention. McCann's "Submit Purchase Order" (McCann figure 57) clearly suggests execution of

a report, said final customized report the result of receiving answers during the report process.

Without further definition within the claims of what "executing" a report entails, submitting a

purchase order "finalizes" and makes official said order, which can be a form of "executing". In addition, the running of a report itself as taught by McCann figures 44-57 can also be fairly interpreted as "executing" a report as well, resulting in a final report instance. A user can initially trigger a request (McCann figure 44), sign-on (McCann figure 45), then further execute the report process accordingly.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

WILLIAM BASHORE
PRIMARY EXAMINER

Conferees:

Heather Herndon

HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Stephen Hong

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Brian M. Buroker
Hunton & Williams, LLP
1900 K. St. NW, Suite 1200
Washington D.C. 20006-1109